

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2782 OF 2005

Nurul Huda Khan	..	..	Petitioner
Versus			
M.M.R.D.A. & Anr.	..	..	Respondents

Mr.V.R.Tripathi for petitioner
Mr.R.M.Sawant, G.P. for respondent no.1

CORAM : P.V.KAKADE, J.

DATE : 5TH DECEMBER, 2005

P.C.:

1. Heard the learned advocate for the petitioner.
Advocate for respondent no.1 appears and waives service.

2. Rule, rule made returnable forth with by
consent.

3. The petitioner has challenged the notice dated
6.9.2005 issued by Respondent no.1 which calls upon the
petitioner to demolish the impugned structure on the
ground that it is unauthorised and illegal building.
The only grievance is made on behalf of the petitioner
is that he was not given proper hearing by the
respondent no.1 and therefore, he has prayed that the

directions be issued to the respondents that after hearing the petitioner the respondent should pass a reasoned order therein and also to relocate and rehabilitate the petitioner in the same locality if the respondents desire to demolish the suit premises or any part thereof.

4. In view of the facts and circumstances, I am satisfied that the request made on behalf of the petitioner is reasonable. In view of this situation the show cause notice dated 6.9.2005 issued by the respondents must be decided with reasonable opportunity to the petitioner to put up his case before the concerned authority who may consider his rehabilitation in the said locality if possible and if any site is found available. It is submitted on behalf of the petitioner that he has already replied to the impugned show cause notice, the respondent, therefore, shall give proper opportunity to the petitioner and decide the issue involved in the notice within four weeks from today. The parties shall maintain status-quo pending the hearing by the respondent in this regard and status-quo shall remain continued for two weeks after the order, if it is adverse to the petitioner. With

this direction the petition stands disposed of with no order as to costs. Rule stands discharged.